SINGLE BENCH

CP 1002 (2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 615 /2007

PETITIONER : **Shanti Lal Khare**
S/o Shri Gyanik Khare
Age about 47 years, Lo. Div. Teacher,
Govt. Primary School, Dongaribhata,
Block - Kartala, Distt. - Korba (C.G.)

RECEIVED-COPY
19-01-07
CLERK to A. G. BILASPUR

VERSUS

RESPONDENTS :
1. **State Government of Chhattisgarh**
Through :- **Secretary,**
Tribal & Education Department,
D.K.S. Bhawan, Raipur (C.G.)
2. **District Education Officer**
Distt. - Korba (C.G.)
3. **Block Education Officer**
Block - Korba, Distt. - Korba (C.G.)

P.R. No. 67/07
Presented by Shri S.K. Verma
22/1/07
S.S. Kaushik
TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Petitioner

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 615 of 2007

Petitioner : Shanti Lal Khare

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Ajay Shrivastava, Advocate for the petitioner.
Shri Sushil Dubey, Govt. Advocate for the State/respondents.

ORDER

(Passed on this 13th day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed on the post of Assistant Teacher vide order dated 26.1.1982 (Annexure P/1) on a fixed pay of Rs. 200/- p.m..

2. It is further submitted by learned counsel for the petitioner that during the probation period the petitioner was only paid the fixed salary, though he was entitled to get monthly payment on the basis of regular pay scale during that period.

3. Learned counsel for the petitioner placed reliance on a decision of the Madhya Pradesh State Administrative Tribunal passed on 24.8.1992 in O.A.No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others). In that case learned Tribunal after having considered the facts and circumstances of the case directed the respondents to make payment of salary in the regular scale of pay along with all applicable allowances from the date of appointment of the petitioners. The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble

Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel for the petitioner also placed reliance on the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (Nem Singh Thakur and others Vs. State of Chhattisgarh & others) and submits that the question of law and the facts involved in this petition are similar to that of in the cases cited above. Learned counsel appearing for the respondents fairly concedes and agrees with the submission made by the petitioner.

5. In view of the above this petition stands disposed of in terms of the order dated 24.8.1992 passed in O.A.No. 2745/1989 (supra) and the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur